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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/747,964	12/30/2003	Timothy J. Wilson	CE088931 (79058)	9004
22917	7590	08/24/2006	EXAMINER	
MOTOROLA, INC. 1303 EAST ALGONQUIN ROAD IL01/3RD SCHAUMBURG, IL 60196			CHO, UN C	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 08/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

37

Office Action Summary	Application No. 10/747,964	Applicant(s) WILSON ET AL.	
	Examiner Un C. Cho	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 20 is objected to because of the following informalities:

Regarding claim 20, line 8 of the claim recites, "at least tow ..." it should be recited as "at least two ..." instead.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 – 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Gorday et al. (US 6,665,521 B1).

Regarding claim 1, Gorday discloses a method for facilitating communications amongst a plurality of mobile units (Fig. 1, 20) in a network (Fig. 1, 10), comprising: establishing a plurality of underlay communication cells (Fig. 2, 200); positioning at least two of the plurality of mobile units (Fig. 2, 30 and 40) in at least one of the plurality of underlay communication cells such that one of the at least two of the plurality of mobile units being in one of the plurality of

underlay communication cells (Fig. 2, 230) and that another of the at least two of the plurality of mobile units (Fig. 2, 36 and 38) being in another of the plurality of underlay communication cells (Fig. 2, 234) (Gorday: Col. 2, lines 40 – 50); establishing an overlay communication cell (Fig. 1, 10), the overlay communication cell covering the same area as at least the underlay cells that comprise the at least two of the plurality of mobile units (Gorday: Col. 2, lines 4 – 20); establishing an association between underlay cells that comprise the at least two mobile units and the overlay communication cell (Gorday: Col. 2, line 53 through Col. 3, line 28); and establishing a group communication call between the at least two mobile units using the overlay cell (Gorday: Col. 3, line 51 through Col. 4, line 65).

Regarding claim 2, Gorday as applied above discloses that the plurality of mobile units listening for a page (Gorday: Col. 2, lines 4 – 20).

Regarding claim 3, Gorday as applied above discloses that the at least two mobile units determining whether to return the page to the overlay cell and when to return the page to the underlay cell (Gorday: Col. 5, lines 34 – 44).

Regarding claim 4, Gorday as applied above discloses that the at least two mobile units returning the page only to the overlay cell (Gorday: Col. 5, lines 44 – 46).

Regarding claim 5, Gorday as applied above discloses that the at least two mobile units returning the page only to the underlay cell (Gorday: Col. 5, lines 25 – 50).

Regarding claim 6, Dailey discloses that the at least two mobile units not returning the page (Gorday: Col. 5, lines 31 – 34).

Regarding claim 7, Gorday as applied above discloses activating an overlay in the absence of receiving a page (Gorday: Col. 5, lines 25 – 34).

Regarding claim 8, Gorday as applied above discloses storing information at underlay cells identifying a control channel at the overlay cell (Gorday: Col. 2, line 53 through Col. 3, line 28).

Regarding claims 9, 15 and 20, the claims are interpreted and rejected for the same reason as set forth in claim 1.

Regarding claims 10, 16 and 21, the claims are interpreted and rejected for the same reason as set forth in claim 2.

Regarding claims 11 and 17, the claims are interpreted and rejected for the same reason as set forth in claim 3.

Regarding claim 12, the claim is interpreted and rejected for the same reason as set forth in claim 5.

Regarding claim 13, the claim is interpreted and rejected for the same reason as set forth in claim 6.

Regarding claims 14 and 19, the claims are interpreted and rejected for the same reason as set forth in claim 8.

Regarding claim 18, the claim is interpreted and rejected for the same reason as set forth in claim 4.

Response to Arguments

4. Applicant's arguments with respect to claims 1 – 21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Un C. Cho whose telephone number is (571) 272-7919. The examiner can normally be reached on M ~ F 8:00AM to 4:30PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Un C Cho
Examiner
Art Unit 2617

8/21/06 uc


GEORGE ENG

SUPERVISORY PATENT EXAMINER